

JICARILLA APACHE NATION
INDIAN AFFAIRS COMMITTEE
BUFFALO THUNDER RESORT- SANTA FE, NEW MEXICO

MONDAY, OCTOBER 9, 2013
TY VICENTI, PRESIDENT

Good afternoon Madame Chair and members of the committee. My name is Ty Vicenti, and I am the President of the Jicarilla Apache Nation. First of all, I want to thank the Committee for allowing me the opportunity to comment on the status of the gaming compact negotiations between the Nation and the Governor's Office.

- First of all Madame Chair and member of the committee, I want to make it perfectly clear that the Nation wishes to arrive at a negotiated agreement with the state in due time. We also wish to conduct these negotiations sessions on a government-to-government basis.
- The Nation also wants to remind the state of the purpose of the federal Indian Gaming Regulatory Act. We believe its meaning and intent are very clear to us, that Indian gaming is a means to promote tribal economic development, self-sufficiency, and strong tribal governments. Unfortunately we have seen the vision and the intent of Congress clouded by the state making demands on the 2001 gaming tribes that we believe are outside the scope of the IGRA.
- Our hope is to arrive at an agreement that is negotiated in good faith, provides for meaningful concessions by the state, meets our individual, unique tribal needs, allows us to develop our business enterprises in accordance with industry standards, and in the end allows us to create jobs, and contribute to our rural economies.
- Jicarilla has been involved in tribal gaming since 1996. Our compact back then was negotiated with then Governor Gary Johnson. He understood the Nation would be encountering unique issues, largely because of our remote, geographic location and the vast distance from any large population base or major interstate. Regardless, we signed off on that compact because we felt and determined the terms to be fair and favorable to the Nation. We are hopeful such a compact will be negotiated with the state.
- Our main purpose for engaging in gaming is to provide employment not for our own reservation but also for members of the surrounding communities. Employment possibilities in North Central New Mexico have always been scarce. We employ over 100 individuals who come from the surrounding Hispanic and Navajo communities, in

addition to hiring members of the Nation. Non-Indians hired by the casino pay applicable state income taxes while providing a livelihood for their families.

- In addition to the state incomes taxes, the Nation also collects Gross Receipts Taxes on all revenue collected from business transactions conducted on Jicarilla tribal lands. That's also in addition to the ad valorem taxes collected on the taxable value of oil and natural gas production that occurs on tribal homelands. We have generated millions of dollars annually and shared our revenue with the state.
- The Jicarilla Apache Nation, as a sovereign government, has the right to tax. It also has cooperative tax agreements in place with the state. In order to promote business growth for both Jicarilla and the state, the Nation agreed to avoid a dual taxation situation and entered into these cooperative tax agreements so that both entities could capture a percentage of taxes. These cooperative tax agreements allow us to make sure all companies that work or do business within the boundaries of the Jicarilla Apache tribal lands are registered with the Nation thereby ensuring tax payments are also being made to the state. These types of cooperative agreements allow the state to secure funding through the Nation's administrative efforts.
- I believe this Committee is aware that another gaming tribe has negotiated a compact with provisions and terms that we don't agree with. It is our opinion that a one size fits all compact containing the same or similar provisions is unfair and does not constitute good faith negotiations. We also believe that a cookie cutter approach does not take into consideration the unique challenges the Nation faces in operating two small, tribal casinos in a remote area. The state should not equate our gaming operations to the other much larger gaming Tribes here in New Mexico.
- Madame Chair and members of the Committee, we only want what's fair. We want an agreement that allows for business growth and job creation. We want a compact that adheres to the intent and spirit of the Indian Gaming Regulatory Act. We believe that's only fair.
- Thank you Madame Chair and members of the Committee, at this time I would like the Jicarilla Apache Nation's General Counsel, Mr. Dion Killsback to discuss a little about the history behind the Indian Gaming Regulatory Act.